



AN ACT GENERALLY REVISING LAWS RELATED TO APPROACHING AND PASSING SCHOOL BUSES; PROHIBITING A MOTOR VEHICLE FROM OVERTAKING A STOPPED SCHOOL BUS ON THE RIGHT; PROHIBITING A SCHOOL BUS FROM ACTUATING FLASHING RED LIGHTS WHEN THE BUS IS STOPPED OUTSIDE OF THE ROADWAY TO RECEIVE OR DISCHARGE SCHOOL CHILDREN; REQUIRING USE OF EXTENDED STOP ARMS IN CERTAIN CIRCUMSTANCES; REQUIRING SCHOOL DISTRICT TRUSTEES TO APPROVE EACH BUS STOP THAT REQUIRES A SCHOOL CHILD TO CROSS THE STREET; PROVIDING PENALTIES; AMENDING SECTIONS 61-8-301 AND 61-8-351, MCA; AND PROVIDING EFFECTIVE DATES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 61-8-301, MCA, is amended to read:

"61-8-301. Reckless driving -- reckless endangerment of highway worker. (1) A person commits the offense of reckless driving if the person:

(a) operates a vehicle in willful or wanton disregard for the safety of persons or property; or
 (b) operates a vehicle in willful or wanton disregard for the safety of persons or property while passing, in either direction, a school bus that has stopped and is displaying the visual flashing red signal, as provided in 61-8-351 and 61-9-402. This subsection (1)(b) does not apply to situations described in 61-8-351(6) (7).

(2) A municipality may enact and enforce 61-8-715 and subsection (1) of this section as an ordinance.

(3) A person who is convicted of the offense of reckless driving or of reckless endangerment of a highway worker is subject to the penalties provided in 61-8-715.

(4) (a) A person commits the offense of reckless endangerment of a highway worker if the person purposely, knowingly, or negligently drives a motor vehicle in a highway work zone in a manner that endangers

persons or property or if the person purposely removes, ignores, or intentionally strikes an official traffic control device in a work zone for reasons other than:

- (i) avoidance of an obstacle;
- (ii) an emergency; or
- (iii) to protect the health and safety of an occupant of the vehicle or of another person.

(b) As used in this section:

- (i) "highway worker" means an employee of the department of transportation, a local authority, a utility company, or a private contractor; and
- (ii) "work zone" has the meaning provided in 61-8-314."

Section 2. Section 61-8-351, MCA, is amended to read:

"61-8-351. Meeting or passing school bus -- vehicle operator liability for violation -- penalty. (1)

~~Upon overtaking from either direction~~ (a) When a school bus that has stopped on the ~~highway~~roadway or street to receive or discharge school children ~~has actuated flashing red lights as specified in 61-9-402~~, a driver of a motor vehicle ~~that is approaching the school bus from either direction~~:

~~(a)(i)~~ (i) shall stop the motor vehicle not less than approximately 30 feet ~~before reaching the~~ from the school bus ~~when there is in operation on the bus a visual flashing red signal as specified in 61-9-402; and~~

~~(b)(ii)~~ (ii) may not proceed until ~~the children have entered the school bus or have alighted and reached the side of the highway or street and~~ past the school bus until the school bus ceases operation of its visual flashing red ~~signal~~ lights.

(b) A driver of a motor vehicle may not overtake a stopped school bus on the right side of the school bus.

~~(2) The driver of a motor vehicle shall slow to a rate of speed that is reasonable under the conditions existing at the point of operation and must be prepared to stop when meeting or overtaking from either direction~~ When a school bus that is preparing to stop on the highway or street to receive or discharge school children as ~~indicated by~~ has actuated flashing amber lights as specified in 61-9-402, a driver of a motor vehicle that is approaching the school bus from either direction shall slow to a rate of speed that is reasonable under the conditions existing at the point of operation and shall be prepared to stop on the actuation of flashing red lights

when the school bus has stopped.

(3) Each bus used for the transportation of school children must bear upon the front and rear plainly visible signs containing the words "SCHOOL BUS" in letters not less than 8 inches in height ~~and, in addition,~~

(4) Each bus used for the transportation of school children must be equipped with visual signals meeting the requirements of 61-9-402. Amber flashing lights must be actuated by the driver approximately 150 feet in cities and approximately 500 feet in other areas before the bus is stopped to receive or discharge school children on the highway or street. Red lights must be actuated by the driver of the school bus ~~whenever but only whenever~~ only when the school bus is stopped on the highway or street ~~whether inside or outside the corporate limits of any city or town~~ to receive or discharge school children. ~~However, a~~

(a) A school district board of trustees may, in its discretion, adopt a policy prohibiting the operation of amber or red lights when a school bus is stopped at the school site to receive or discharge school children and the receipt or discharge does not involve street crossing by the children. The lights may not be operated in violation of that policy.

(b) If a school bus is stopped outside of the roadway and the school bus will receive or discharge school children in a location outside of the roadway, the school bus may not actuate the flashing red lights so long as the school children do not enter the roadway.

~~(4) The requirements that a driver of a motor vehicle shall stop when a school bus receives or discharges school children under subsection (1) and the requirements that amber and red lights must be actuated by a school bus driver under subsection (3) do not apply when a school bus receives or discharges school children in a designated school bus pullout on a state highway. A designated school bus pullout must meet the following requirements:~~

~~(a) The pullout must be located on a roadway separated by a physical barrier, such as a guardrail, raised median, drainage ditch, or irrigation ditch.~~

~~(b) The separate roadway must be designed, constructed, and signed specifically for use by school buses, with sufficient space for safe ingress and egress from the main traveled way.~~

~~(c) The pullout must be approved by the local affected school district, by a resolution of the district trustees, and by the district superintendent as a mandatory school bus stop for receiving and discharging school children~~

(5) When a school bus route includes a bus stop that requires a school child to cross a roadway, the school bus must be equipped with an extended stop arm that partially obstructs the roadway. A school child may not cross a roadway to enter or exit from a school bus unless the roadway has been partially obstructed by the extended stop arm.

(a) The extended stop arm must be equipped with additional flashing red lights as specified in 61-9-402 and must be capable of extending a distance of at least 54 inches from the school bus at a height of not less than 36 inches.

(b) The board of trustees shall approve each school bus stop that requires a school child to cross a roadway.

(c) A school bus that experiences a mechanical problem or an emergency that requires the school bus to stop at a nondesignated bus stop is not subject to the requirements of this subsection (5).

~~(5)(6)~~ When a school bus is being operated upon a highway for purposes other than the actual transportation of children either to or from school or for school functions, all markings on the bus indicating "SCHOOL BUS" must be covered or concealed.

~~(6)(7)~~ The driver of a motor vehicle upon a highway with separate roadways need not stop upon meeting or passing a school bus that is on a different roadway or when upon a controlled-access highway and the school bus is stopped in a loading zone that is a part of or adjacent to the highway and where pedestrians are not permitted to cross the roadway.

~~(7)(8)~~ (a) A person who observes a violation of this section ~~may~~ may prepare a written, in addition to an oral, report indicating that a violation has occurred. The report may contain information concerning the violation, including:

- (i) the time and approximate location at which the violation occurred;
- (ii) the license plate number and color of the motor vehicle involved in the violation;
- (iii) identification of the motor vehicle as a passenger car, truck, bus, motorcycle, or other type of motor vehicle; ~~and~~ and
- (iv) a description of the person operating the motor vehicle when the violation occurred.

(b) A report under subsection ~~(7)(a)~~ (8)(a) constitutes particularized suspicion under 46-5-401(1) that an operator of the vehicle committed a violation of this section.

(c) A person who observes a violation of this section may file a written or oral complaint with the county sheriff's office. At the sheriff's discretion, the report may be transferred to the highway patrol or city police department. The report must be investigated by a peace officer, and the investigating officer shall contact the reporting party within 30 days to provide an update on the status or outcome of the investigation.

~~(8)(9)~~ (a) Violation of subsection (1)(a) is punishable upon conviction by a fine of not more than \$500.

(b) Violation of subsection (1)(b) is a misdemeanor and is punishable on conviction by a fine of not more than \$1,000, by imprisonment for not more than 6 months, or both.

(c) It is a violation of subsection (5) for the driver of a motor vehicle to make contact with any portion of a stopped school bus, including an extended stop arm, or to make contact with a school child within 30 feet of a school bus. A violation under this subsection (9)(c) is a misdemeanor and is punishable on conviction by a fine of not more than \$500."

Section 3. Effective dates. (1) Except as provided in subsection (2), [this act] is effective October 1, 2021.

(2) [Section 2(5)] is effective July 1, 2022.

- END -

I hereby certify that the within bill,
HB 267, originated in the House.

Chief Clerk of the House

Speaker of the House

Signed this _____ day
of _____, 2021.

President of the Senate

Signed this _____ day
of _____, 2021.

HOUSE BILL NO. 267

INTRODUCED BY N. DURAM, M. BLASDEL, C. GLIMM, R. FITZGERALD, J. FULLER, F. GARNER, M.

NOLAND, D. SKEES, S. VINTON

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